

Court of Appeals, State of Michigan

ORDER

Kari Lynn Lipnevicius v Geoffrey Michael Lipnevicius

Docket No. 282990

LC No. 06-270914-DM

E. Thomas Fitzgerald
Presiding Judge

Pat M. Donofrio

Deborah A. Servitto
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to dismiss defendant's delayed application for leave to appeal pursuant to MCR 7.211(C)(2) is GRANTED for the reason that the issue raised in the application is moot. The natural father had standing to bring the subsequent paternity action based on the trial court's September 10, 2007, order finding that the child in question was not the issue of the marriage between plaintiff and defendant. Defendant does not challenge the substance of this order, which effectively gave the natural father standing to bring his subsequent action under the Paternity Act. MCL 722.714, 722.711(a); *Barnes v Jeudevine*, 475 Mich 696, 703; 718 NW2d 311 (2006); *In re KH*, 469 Mich 621, 634-635; 677 NW2d 800 (2004). Whether the trial court erred by allowing the natural father to intervene in the divorce action is irrelevant to the outcome. The delayed application for leave to appeal is DISMISSED.

The motion to file intervenor/appellee's late answer is GRANTED.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 20 2008

Date

Sandra Schultz Mengel
Chief Clerk